

E-filed: August 20, 2008

1 Marc A. Levinson (California Bar No. 57613)
 2 Jeffery D. Hermann (California Bar No. 90445)
 2 ORRICK, HERRINGTON & SUTCLIFFE LLP
 3 400 Capitol Mall, Suite 3000
 3 Sacramento, California 95814-4497
 4 Telephone: (916) 447-9200
 4 Facsimile: (916) 329-4900
 5 Email: malevinson@orrick.com
 jhermann@orrick.com
 sdon@orrick.com

Robert Kinas (Nevada Bar No. 6019)
 Claire Dossier (Nevada Bar No. 10030)
 SNELL & WILMER LLP
 3883 Howard Hughes Parkway, Suite 1100
 Las Vegas, Nevada 89169
 Telephone: (702) 784-5200
 Fax: (702) 784-5252
 Email: rkinas@swlaw.com
 cdossier@swlaw.com

6 **ATTORNEYS FOR USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC**7 **UNITED STATES BANKRUPTCY COURT**8 **DISTRICT OF NEVADA**

9 In re:
 10 USA COMMERCIAL MORTGAGE COMPANY,
 11 USA CAPITAL REALTY ADVISORS, LLC,
 12 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
 13 LLC,
 14 USA CAPITAL FIRST TRUST DEED FUND, LLC,
 15 USA SECURITIES, LLC,

Debtors

Case No. BK-S-06-10725 LBR
 Case No. BK-S-06-10726 LBR
 Case No. BK-S-06-10727 LBR
 Case No. BK-S-06-10728 LBR
 Case No. BK-S-06-10729 LBR

Chapter Number: 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

16 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Securities, LLC
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA First Trust Deed Fund, LLC

CERTIFICATE OF SERVICE

21 On August 20, 2008, I served **USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC FIFTH QUARTERLY REPORT** for Snell & Wilmer L.L.P. and Orrick, Herrington & Sutcliffe LLP, attorneys for USA CAPITAL DIVERSIFIED TRUST DEED FUND, LLC, in the above matter via the following means to the persons as listed below:

25 ///

26 ///

27 ///

28 ///

1 **VIA ECF SYSTEM:**

2 MICHELLE L. ABRAMS mabrams@mabramslaw.com

3 FRANKLIN C. ADAMS franklin.adams@bbklaw.com, arthur.johnston@bbklaw.com

4 NANCY L. ALLF nancy_allf@gshllp.com,
5 karen_lawrence@gshllp.com;anne_pieroni@gshllp.com

6 FRANK A. ANDERSON anderson.frank@pbgc.gov, efile@pbgc.gov

7 PETER C. BERNHARD peter.bernhard@bullivant.com, michelle.diegel@bullivant.com

8 BMC GROUP, INC. evrato@bmccgroup.com,
9 ecf@bmccgroup.com;jmiller@bmccgroup.com;mjohn@bmccgroup.com10 GEORGANNE W. BRADLEY georganne.bradley@bullivant.com,
11 mary.opatrny@bullivant.com

12 KELLY J. BRINKMAN kbrinkman@goldpatterson.com

13 THOMAS R. BROOKSBANK tom@tombrooksbank.com

14 ANDREW M. BRUMBY abrumbry@shutts-law.com, rhicks@shutts-
15 law.com;lmackson@shutts-law.com16 LOUIS M. BUBALA lbubala@jonesvargas.com,
17 tbw@jonesvargas.com;aanthony@jonesvargas.com18 MATTHEW Q. CALLISTER mqc@callister-reynolds.com, maggie@callister-
19 reynolds.com;jrammos@callister-reynolds.com20 CANDACE C CARLYON ltreadway@sheacarlyon.com,
21 ccarlyon@sheacarlyon.com;bankruptcyfilings@sheacarlyon.com;manthony@sheacarlyon.com;k
22 yurchick@sheacarlyon.com23 MICHAEL W. CARMEL michael@mcarmellaw.com,
24 nancy@mcarmellaw.com;ritkin@steptoe.com

25 ROB CHARLES rcharles@lrlaw.com, cjordan@lrlaw.com

26 MICHAEL W. CHEN yvette@ccfirm.com

27 KEVIN B. CHRISTENSEN kbchrislaw@aol.com

28 JANET L. CHUBB tbw@jonesvargas.com

29 JANET L. CHUBB tbw@jonesvargas.com

30 DAVID A. COLVIN mwalters@marquisaurbach.com,
31 dcolvin@marquisaurbach.com;kgallegos@marquisaurbach.com

32 WILLIAM D COPE cope_guerra@yahoo.com

33 LAUREL E. DAVIS ldavis@fclaw.com, mhurtado@fclaw.com

1 THOMAS W. DAVIS twd@h2law.com
 2 DEBT ACQUISITION COMPANY OF AMERICA V, LLC (aw) awhatnall@daca4.com
 3 J CRAIG DEMETRAS JCD@demetras-oneill.com, jar@demetras-oneill.com;mdh@demetras-
 4 oneill.com
 5 ALLAN B. DIAMOND adiamond@diamondmccarthy.com
 6 RICHARD I. DREITZER rdreitzer@yahoo.com
 7 THOMAS H. FELL
 8 BANKRUPTCYNOTICES@GORDONSILVER.COM;bknotices@gordonsilver.com
 9 SCOTT D. FLEMING sfleming@halelane.com
 10 GREGORY E GARMAN bankruptcynotices@gordonsilver.com, bknotices@gordonsilver.com
 11 DOUGLAS D. GERRARD DGERRARD@GERRARD-COX.COM, ekaymedellin@gerrard-
 12 cox.com
 13 WADE B. GOCHNOUR WBG@h2law.com, bd@h2law.com;grm@h2law.com
 14 LEIGH T GODDARD lgoddard@mcdonaldcarano.com, pmiller@mcdonaldcarano.com
 15 CARLOS A. GONZALEZ carlos.gonzalez2@usdoj.gov,
 16 Darlene.Ruckard@usdoj.gov:Mary.Booker@usdoj.gov
 17 GERALD M GORDON bankruptcynotices@gordonsilver.com, bknotices@gordonsilver.com
 18 R. VAUGHN GOURLEY vgourley@lvcm.com
 19 TALITHA B. GRAY bankruptcynotices@gordonsilver.com;bknotices@gordonsilver.com
 20 JAMES D. GREENE bknotice@bhfs.com
 21 MARK H. GUNDERSON creinebold@gundersonlaw.com
 22 MARJORIE A. GUYMON bankruptcy@goldguylaw.com,
 23 ddias@goldguylaw.com;tracyg@goldguylaw.com
 24 PETER W. GUYON pguyon@yahoo.com
 25 XANNA R. HARDMAN xanna.hardman@gmail.com
 26 STEPHEN R HARRIS noticesbh&p@renolaw.biz
 27 JEFFREY L HARTMAN notices@bankruptcreno.com, dle@bankruptcreno.com
 28 WILLIAM H HEATON will@nwhltd.com, denisse@nwhltd.com
 29 BRIGID M. HIGGINS bankruptcynotices@gordonsilver.com, bknotices@gordonsilver.com
 30 JOHN HINDERAKER JHinderaker@LRLaw.com, RCreswell@LRLaw.com

1 RICHARD F. HOLLEY rholley@nevadafirm.com,
 2 paltstatt@nevadafirm.com;vnelson@nevadafirm.com;sliberio@nevadafirm.com;bkecf@nevadafirm.com
 3 RANDOLPH L. HOWARD rhoward@klnevada.com,
 4 ckishi@klnevada.com;bankruptcy@klnevada.com
 5 DAVID W. HUSTON dwh@hustonlaw.net
 6 JASON A. IMES bkfiling@s-mlaw.com
 7 ROBBIN L. ITKIN ritkin@steptoe.com,
 8 khollingsworth@steptoe.com;skopman@steptoe.com;keckert@steptoe.com;jgoldman@steptoe.com;
 kpiper@steptoe.com
 9 CHRISTOPHER D JAIME cjaime@waltherkey.com, kbernhar@waltherkey.com
 10 EVAN L. JAMES ejameslv@gmail.com, kbchrislaw@aol.com
 11 LARRY C. JOHNS lcjohns100@embarqmail.com
 12 ERIN E. JONES ejones@diamondmccarthy.com, cburrow@diamondmccarthy.com
 13 TY E. KEHOE TyKehoeLaw@aol.com
 14 ROBERT R. KINAS rkinas@swlaw.com,
 jmcbee@swlaw.com;jmath@swlaw.com;mfull@swlaw.com;cdossier@swlaw.com;lvdocket@mi
 ndspring.com;vcampbell@swlaw.com
 15 DEAN T. KIRBY dkirby@kirbymac.com, gsparks@kirbymac.com;lackerman@kirbymac.com
 16 KENT F. LARSEN kfl@slwlaw.com
 17 ZACHARIAH LARSON ecf@lslawnv.com, susans@lslawnv.com
 18 JOHN J. LAXAGUE jlaxague@caneclark.com
 19 GEORGE C LAZAR glazar@foxjohns.com, gclazar@sbcglobal.net
 20 NILE LEATHAM nleatham@klnevada.com,
 ckishi@klnevada.com;bankruptcy@klnevada.com;kgregos@klnevada.com
 21 ROBERT C. LEPOME rlepome@cox.net, smstanton@cox.net
 22 STEPHEN T LODEN sloden@diamondmccarthy.com
 23 TYSON M. LOMAZOW tlomazow@milbank.com
 24 ANNE M. LORADITCH lvecffilings@gtlaw.com,
 loraditcha@gtlaw.com;koisp@gtlaw.com;lvlitdock@gtlaw.com;jenkinsm@gtlaw.com
 25 TIMOTHY A LUKAS ECFLukast@halelane.com
 26 ERIC D. MADDEN emadden@diamondmccarthy.com, jsickels@diamondmccarthy.com

1 PATRICIA A. MARR lvlaw03@yahoo.com
 2 JAMES C. MCCARROLL jmccarroll@reedsmit.com,
 3 dturetsky@reedsmit.com;aleonard@reedsmit.com
 4 REGINA M. MCCONNELL Regina@GinaLaw.com
 5 WILLIAM L. MCGIMSEY lawoffices601@lvcoxmail.com
 6 RICHARD MCKNIGHT mcknightlaw@cox.net,
 7 gkopang@lawlasvegas.com;cburke@lawlasvegas.com;eeverino@lawlasvegas.com
 8 JEANETTE E. MCPHERSON bkfilings@s-mlaw.com
 9 BRECK E. MILDE bmilde@terra-law.com
 10 SHAWN W MILLER bankruptcyfilings@sheacarlyon.com,
 11 smiller@sheacarlyon.com;ltreadway@sheacarlyon.com;mleavitt@sheacarlyon.com;manthony@s
 heacarlyon.com;kyurchick@sheacarlyon.com
 12 DAVID MINCIN mcknightlaw@cox.net,
 13 gkopang@lawlasvegas.com;dmincin@lawlasvegas.com,cburke@lawlasvegas.com;eeverino@la
 wlasvegas.com
 14 JOHN F MURTHA jmurtha@woodburnandwedge.com
 15 ERVEN T. NELSON , susan@bolickboyer.com
 16 VICTORIA L NELSON bkecf@nevadafirm.com,
 17 vnelson@nevadafirm.com;paltstatt@nevadafirm.com;rmoss@nevadafirm.com
 18 JOHN F. O'REILLY jor@oreillylawgroup.com,
 19 tor@oreillylawgroup.com;bc@oreillylawgroup.com;mg@oreillylawgroup.com;lc@oreillylawgro
 up.com
 20 TIMOTHY R. O'REILLY tor@oreillylawgroup.com,
 21 jor@oreillylawgroup.com;bc@oreillylawgroup.com;mg@oreillylawgroup.com;lc@oreillylawgro
 up.com
 22 DONNA M. OSBORN mwalters@marquisaurbach.com,
 23 kgallegos@marquisaurbach.com;dosborn@marquisaurbach.com
 24 DONALD T. POLEDNAK sandplegal@yahoo.com, spbankruptcy@yahoo.com
 25 PAUL C RAY info@johnpeterlee.com
 26 THOMAS RICE trice@coxsmith.com, jbrown@coxsmith.com;aseifert@coxsmith.com
 27 GORDON C. RICHARDS GCR@ClarkandRichards.com, ALM@ClarkandRichards.com
 28 CHRISTINE A ROBERTS roberts@shlaw.com,
 miller@shlaw.com;hill@shlaw.com;mcallister@shlaw.com;maenza@shlaw.com;jacka@shlaw.co
 m

1 STACY M. ROCHELEAU stacy@arlawgroup.com, wendy@arlawgroup.com
 2 SUSAN WILLIAMS SCANN sscann@deanerlaw.com, palexander@deanerlaw.com
 3 MICHAEL M. SCHMAHL mschmahl@mcguirewoods.com
 4 LENARD E. SCHWARTZER bkfilings@s-mlaw.com
 5 BRIAN D. SHAPIRO ecf@brianshapirolaw.com,
 tiffany@brianshapirolaw.com;brianshapiroesq@yahoo.com;bshapiro@brianshapirolaw.com;marj
 orie@brianshapirolaw.com
 6
 7 JAMES PATRICK SHEA bankruptcyfilings@sheacarlyon.com,
 ltreadway@sheacarlyon.com;jshea@sheacarlyon.com;manthony@sheacarlyon.com;kyurchick@s
 heacarlyon.com
 8
 9 SHLOMO S. SHERMAN ssherman@sheacarlyon.com,
 bankruptcyfilings@sheacarlyon.com;ltreadway@sheacarlyon.com;rmsmith@sheacarlyon.com;ml
 10 eavitt@sheacarlyon.com;manthony@sheacarlyon.com;kyurchick@sheacarlyon.com
 11 AMBRISH S. SIDHU ecfnotices@sidhulawfirm.com
 12 JEFFREY SLOANE lrrost@kssattorneys.com
 13 ALAN R SMITH mail@asmithlaw.com,
 turk@asmithlaw.com;marsh@asmithlaw.com;darby@asmithlaw.com
 14
 15 ADAM M. STARR starra@gtlaw.com
 16 DAVID A. STEPHENS dstephens@lvcm.com
 17 ARIEL E. STERN sterna@ballardspahr.com,
 jeromes@ballardspahr.com;waltons@ballardspahr.com;gradyc@ballardspahr.com
 18 PETER SUSI cheryl@msmlaw.com, msm@msmlaw.com
 19 ERIC W. SWANIS swanise@gtlaw.com,
 barberc@gtlaw.com;driverv@gtlaw.com;chaoa@gtlaw.com;lvlitdock@gtlaw.com
 20
 21 JEFFREY R. SYLVESTER jeff@sylvesterpolednak.com
 22 KAARAN E. THOMAS kthomas@mcdonaldcarano.com, mmorton@mcdonaldcarano.com
 23 KAARAN E THOMAS (lv) mmorton@mcdonaldcarano.com
 24 ROLLIN G. THORLEY rollin.g.thorley@irs counsel.treas.gov
 25 LISA TSAI ltsai@diamondmccarthy.com, tstone@diamondmccarthy.com
 26 U.S. TRUSTEE - LV - 11 USTPRegion17.lv.ecf@usdoj.gov
 27 ERIC VAN bankruptcynotices@gordonsilver.com, bknotices@gordonsilver.com
 28 MICHAEL C. VAN michael@mvanlaw.com

Snell & Wilmer
 LLP
 LAW OFFICES
 3883 HOWARD HUGHES PARKWAY SUITE 1100
 LAS VEGAS, NEVADA 89169
 (702)784-5200

1 GREGORY J. WALCH GWalch@Nevadafirm.com
2 RUSSELL S. WALKER rwalker@wklawpc.com,
eloveridge@wklawpc.com;ckirk@wklawpc.com;tgrover@wklawpc.com
3 WHITNEY B. WARNICK wbw@albrightstoddard.com, bstessel@albrightstoddard.com
4 KIRBY R WELLS SMartinez@wellsrawlings.com
5 GREGORY L. WILDE bk@wildelaw.com
6 RYAN J. WORKS kbarrett@mcdonaldcarano.com; dsampson@mcdonaldcarano.com
7 RYAN J. WORKS rworks@mcdonaldcarano.com,
kbarrett@mcdonaldcarano.com; dsampson@mcdonaldcarano.com
9 MICHAEL YODER myoder@diamondmccarthy.com
10 MATTHEW C. ZIRZOW bankruptcynotices@gordonsilver.com, bknotices@gordonsilver.com

11 **VIA E-MAIL:**
12

13 Richard I. Dreitzer ridreitz@ag.state.nv.us
14 George A. Davis george.davis@cwt.com
15 Deborah D. Williamson dwilliamson@coxsmith.com
16 Geoffrey L. Berman gberman@dsi.biz
17 Allan B. Diamond adiamond@diamondmccarthy.com
18 Eric Madden emadden@diamondmccarthy.com
19 Michael Tucker Michael.tucker@fticonsulting.com
20 Robert P. Goe rgoe@goeforlaw.com
21 Gerald M. Gordon gmg@gordonsilver.com
22 Gregory E. Garman geg@gordonsilver.com
23 Janet L. Chubb jlc@jonesvargas.com; tbw@jonesvargas.com
24 Dean T. Kirby, Jr. dkirby@kirbymac.com
25 John Hebert jhebert@kirbymac.com
26 Susan M. Freeman sfreeman@lrlaw.com
27 Rob Charles rcharles@lrlaw.com
28 Michelle Abrams mabrams@mabramslaw.com

1 Richard W. Esterkin resterkin@morganlewis.com
2 Asa S. Hami Ahami@morganlewis.com
3 Jeffrey D. Hermann jhermann@orrick.com
4 Marc A. Levinson malevinson@orrick.com
5 William J. Ovca, Jr., Trustee N1GL@aol.com
6 Brian D. Shapiro bshapiro@brianshapirolaw.com
7 Robbin L. Itkin ritkin@steptoe.com
8

9 I declare under penalty of perjury that the foregoing is true and correct.
10

11 Dated this 20th day of August, 2008.
12

13 
14 Jill Math
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Snell & Wilmer
LLP
LAW OFFICES
3883 HOWARD HUGHES PARKWAY, SUITE 1100
LAS VEGAS, NEVADA 89169
(702)784-5200